

Attorney Docket No.: 66-12424

means for actuating the gate between an open position, in which the first flow port is aligned with the first branch and the second flow port is in communication with the second branch, and a closed position, in which the first flow port is offset from the first branch;

wherein the gate further comprises a generally flat face which is adapted to seal the first branch from the gate cavity when the gate is in the closed position to thereby prevent the fluid from flowing between the first branch and the gate cavity; and

wherein the actuating means is disposed at least partially within a conduit that extends generally longitudinally through the body from the gate cavity.

Remarks

Reconsideration of the above-identified application is respectfully requested.

In paragraph 1 of the Office Action the Examiner has withdrawn claims 8-15 from consideration as being directed to a non-elected invention. In the Examiner's opinion, claims 1-7 are directed to a gate valve and amended claims 8-15 are directed to a tubing hanger which comprises the gate valve. In addition, the Examiner has concluded that, since applicant received an action on the merits for claims 1-7, these claims were constructively elected for prosecution.

Although applicant does not necessarily agree with the Examiner's rationale supporting the withdrawal of claims 8-15, in light of the present amendment to claim 1, applicant submits that the Examiner should reinstate

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claims 8-15. In particular, applicant has amended claim 1 to place it in Jepson format. As a result, claim 1 is now directed to the combination of a gate valve and an elongated body which includes a fluid flow passage that extends longitudinally through the body. Moreover, the elongated body which now forms a part of claim 1 can in a specific embodiment of the invention be considered a tubing hanger, such as is claimed in claim 8. Therefore, applicant submits that claims 1 and 8 are now directed to the same class of invention and that, consequently, claims 8-15 should be reinstated in the present application.

Claims 1-6 stand rejected under 35 U.S.C. 102(b) as being anticipated by Smith (U.S. Patent No. 3,104,659). Claim 1 has accordingly been amended to more clearly distinguish applicant's invention over this reference. Applicant therefore submits that claims 1-6 are now patentable over Smith.

Regarding claim 1, Smith does not disclose a gate valve which is incorporated into an elongated body through which a fluid flow passage also extends (claim 1, lines 1-4). As shown in the Figure of that patent, the valve 18 is a free standing component which is not incorporated into any body. Moreover, although the valve 18 comprises a housing (unlabeled) in which a gate 37 is positioned, the lines 17, 29 which define the flow passage in Smith's apparatus are not incorporated in this housing.

In addition, Smith's valve 18 does not include a gate cavity which is formed in the elongated body (claim 1, lines 5-6). As discussed above, Smith's valve 18 is a free standing component which is not incorporated into any body. Therefore, the valve 18 cannot include a gate cavity which is formed in the body.

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Also, Smith does not disclose a valve actuating means which is disposed at least partially within a conduit that extends generally longitudinally through the body from the gate cavity. Once again, Smith's valve is not incorporated into an elongated body. Therefore, the actuating means for the valve 18 cannot be disposed in a conduit which extends through the body. To be sure, the Figure of Smith shows that the actuating means 21 for the valve 18 is located in a housing which is separate from the valve 18.

From the above discussion, it is clear that Smith does not disclose each and every element of claim 1. Therefore, Smith cannot be found to anticipate claim 1.

Claims 2-6 depend from claim 1 and are therefore patentable over Smith for the reasons stated above with respect to claim 1.

Claims 4, 5 and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 1, and further in view of Craven (U.S. Patent No. 5,415,378). However, these claims depend from claim 1. Therefore, to the extent this rejection is based on the Examiner's belief that claim 1 is anticipate by Smith, applicant submits that claims 4, 5 and 7 are patentable over any permissible combination of Smith and Craven for the reasons stated above.

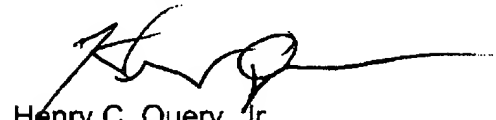
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In light of the foregoing, claims 1-15 are submitted as allowable.

Favorable action is solicited.

Respectfully submitted,



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